IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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C.W.P NO. 8779 OF 2006

Date of decision : September 11, 2006

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M/s Nippun Limited .....Petitioner

Vs.

State of Haryana and others .....Respondents

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CORAM: HON'BLE MR. JUSTICE VINEY MITTAL
HON'BLE MR. JUSTICE H.S BHALLA

Present: Mr. Puneet Bali, Advocate for the petitioner(s).
Mr. Ajay Gulati, Assistant Advocate General, Haryana.

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Viney Mittal, J. (Oral)

The petitioner-Company has approached this Court for issuance of the directions to the respondents to comply with the decision dated July 15, 2004 (Annexure P-15)) taken in the meeting of the petitioner-Company as well as the order dated February 25, 2005 (Annexure P-26) and as a consequence thereof issue a letter of authority/license in Form no.39 of the Central Motor Vehicles Rules, 1989.

Without noticing the detailed facts at this stage this, it is relevant to notice that the petitioner-Company wanted to set up an authorised testing station under the provisions of Section 56 of the Motor Vehicles Act, 1988 read with Rule 62 of the Central Motor vehicles Rule 1989. On account of the aforesaid purpose, the petitioner-Company sought permissions/approvals.

The infrastructure available with the petitioner-Company was originally inspected by a team of the concerned officers on April 12, 2004.

The same was found to be deficient and not upto the mark. Later on another team conducted the survey on January 5, 2005. It was found by the aforesaid team also, that the firm had not undertaken any kind of repairs and maintenance in the premises. The petitioner-Company was thus issued a communication dated February 25, 2005 Annexure P-26 requiring the petitioner to undertake to make up the deficiencies within next six months and to inform the competent authority as soon as the deficiencies are made good. The petitioner was also informed that thereafter the inspection would be carried out and the final decision would be taken for grant/renew certificate of fitness in respect of remaining category of transport vehicles based on the report of the committee.

In the written statement filed by the respondents, the respondents have taken the following stand;

4. *While purely provisional offer was made for grant/renew certificate of fitness to three-wheelers (goods as well as passengers), cars and taxis upto the category of maxi-cabs vide letter dated 25.2.2005 and that the petitioner accepted it, however, owing to ensuing elections of Haryana Vidhan Sabha, code of conduct came into existence. It was therefore decided that the case may be put up to the fresh Govt.*
5. *After elections, a new govt. came into existence and after examining the matter, the Govt. have now decided to invite applications for grant of licese for the issue of certificate of fitness in the entire State. So far as grant of license to the petitioner is concerned, the matter is still under consideration. It is, however, submitted that in case the petitioner fulfills all the terms and conditions of the offer letter and the provisions contained in the Central Motor Vehicles Rules, 1989, a license to establish authorised testing stations will be granted to the petitioner.*

However, the petitioner firm has not till date offered

to have inspection of his premises after making good the deficiencies as required under the provisions of Motor Vehicles Act, 1988 and the rules made thereunder.

Keeping in view the stand taken by the respondents, Sh. Puneet Bali, learned counsel appearing for the petitioner-Company has contended that the petitioner-Company shall undertake to remove all the deficiencies at the site and shall take steps to possess the requisite infrastructure required for the testing station. After the deficiencies are removed, the petitioner Company shall inform the competent authority in this regard.

Keeping in view the stand taken by the petitioner, we dispose of the present petition with a direction that as and when any communication is received from the petitioner-Company by the competent authority, a fresh inspection shall be conducted and thereafter, the necessary follow-up action shall be taken in accordance with law.

Copy of the order be given dasti on payment of the usual charges.

(VINEY MITTAL)
JUDGE

September 11, 2006
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(H.S BHALLA)
JUDGE